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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202)

FM Table of Assignments)

(Utica, Hazelhurst and)
Vicksburg, Mississippi))

MM Docket No. _____

RM _____

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To: Chief, Policy and Rules Division

DEC 14 1992

PETITION FOR RULEMAKING

FCC - MAIL ROOM

St. Pe' Broadcasting, Inc. ("St. Pe' Broadcasting"), licensee of WJXN(FM), Utica, Mississippi, pursuant to Section 1.401 of the Commission's Rules, herewith submits its Petition for Rulemaking, respectfully requesting the Commission to: (a) substitute FM Channel 265C3 for 225A at Utica, Mississippi, and modify the authorized facilities of WJXN(FM), Utica, Mississippi, to specify operation on 265C3, (b) substitute FM Channel 225A for 265A (as licensed) at Hazelhurst, Mississippi, and modify the authorized facilities of WMDC(FM), Hazelhurst, Mississippi, to specify operation on 225A, and (c) substitute FM Channel 267A for 266A at Vicksburg, Mississippi, and modify the authorized facilities of WBBV(FM), Vicksburg, Mississippi, to specify operation on 267A, 1/ thereby amending Section 73.202 of the

1. St. Pe' Broadcasting previously advanced a Counterproposal in MM Docket No. 91-131, proposing the same requested substitutions and modifications, except that Channel 246A was proposed for substitution at Vicksburg. By Report and Order (DA 92-1029), released August 25, 1992, the Commission denied the Counterproposal. A Petition for Reconsideration and Stay of that action was filed September 27, 1992.

ESTABCOCE

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Commission's Rules, FM Table of Assignments, as follows:

City	Channel No.
Utica, Mississippi	265C3
Hazelhurst, Mississippi	225A
Vicksburg, Mississippi	267A 254C1 294C

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In support whereof the following is shown:

1. WJXN(FM) is currently licensed to operate on Channel 225A at Utica, Mississippi. WMDC(FM) is currently licensed to operate on Channel 265A at Hazelhurst, Mississippi. On May 2, 1990, the Commission released a Report and Order (DA 90-627), substituting Channel 265C3 for 265A at Hazelhurst, Mississippi, conditioned upon the filing by WMDC(FM) of an application for construction permit within 90 days of the effective date of the Commission's action (i.e., July 15, 1990). See: Report and Order (DA 90-627), 5 FCC Rcd. 2817. In this regard it is noted that the upgrade at Hazelhurst could not be implemented at WMDC(FM)'s current tower site and required the relocation of WMDC(FM)'s transmitter site to an alternate site, which site WMDC(FM) represented to be available. However, Copiah County Broadcasting Co., the licensee of WMDC(FM), failed to file the required application for construction permit within the specified 90 day period. Indeed, as of this date, WMDC(FM) has not filed the

required application. Therefore, inasmuch as the substitution of Channel 265C3 for Channel 265A at Hazelhurst was conditioned upon the filing of a construction permit by WMDC(FM) within the specified 90 day period, the condition underlying the substitution has never been fulfilled and, therefore, that contingent substitution should be deleted and the FM Table of Assignments revised to reflect the actual Channel 265A allotment at Hazelhurst.

2. As reflected in the attached Technical Statement prepared by Richard S. Graham, Jr., the substitution of FM Channel 265C3 for 225A at Utica, Mississippi, can be made in full compliance with all applicable minimum mileage separation and other technical requirements under the Commission's Rules, including city coverage requirements, at WJXN(FM)'s existing transmitter site, provided that FM Channel 225A is substituted for 265A (as licensed) at Hazelhurst, Mississippi and the license of WMDC(FM), Hazelhurst, Mississippi, is modified to specify operation on 225A. In this regard the attached Technical Statement demonstrates that Channel 225A can be utilized at WMDC(FM)'s existing transmitter site, while allowing for full 6 kilowatt operation, which is not available utilizing Channel 265A. In this regard St. Pe' Broadcasting hereby indicates that, if the requested substitution of Channel 265C3 for Channel 225A is made at Utica, Mississippi, and the license of WJXN(FM) is modified to specify operation on Channel 265C3, as requested

herein, it will reimburse WMDC(FM) for its costs, reasonably and prudently incurred in changing frequency.

3. The proposed substitution of Channel 265C3 for Channel 225A at Utica, Mississippi, and modification of the license of WJXN(FM) to specify operation on Channel 265C3, is also dependent upon the substitution of Channel 267A for 266A at Vicksburg, Mississippi, and the modification of the license of WBBV(FM), Vicksburg, Mississippi, to specify operation on Channel 267A. As reflected in the attached Technical Report, this substitution can be accomplished in full compliance with all applicable minimum mileage separation and other technical requirements under the Commission's Rules, including city coverage requirements, without requiring additional changes or substitutions in the FM Table of Assignments. Furthermore, Channel 267A can be utilized at WBBV(FM)'s current transmitter site and can be so utilized to allow full 6 kilowatt operation, which is not available utilizing WBBV(FM)'s current Channel 266A. In this regard St. Pe' Broadcasting hereby indicates that, if the requested substitution of Channel 265C3 for Channel 225A is made at Utica, Mississippi, and the license of WJXN(FM) is modified to specify operation on Channel 265C3, as requested herein, it will reimburse WBBV(FM) for its costs, reasonably and prudently incurred in changing frequency.

4. The substitution of Channel 265C3 for 225A at Utica, Mississippi, will provide that community and the surrounding area

with improved FM service from the only local outlet licensed to Utica. The substitution of FM Channel 225A for 265A (as licensed) at Hazelhurst, Mississippi, likewise, will provide that community and the surrounding area with improved FM service, since WMDC(FM) is precluded from full 6 kilowatt operation on Channel 265A at its current tower site and has been unable or unwilling to implement an upgrade to Channel 265C3, which it previously sought but failed to implement. The substitution of FM Channel 267A for 266A at Vicksburg, Mississippi, likewise, will provide that community and the surrounding area with improved FM service, since WBBV(FM) is currently precluded from full 6 kilowatt operation on Channel 266A.

5. Upon issuance of an Order, implementing the requested channel substitutions, St. Pe' Broadcasting, Inc., licensee of WJXN(FM), will promptly prepare and file the necessary application with the Commission to modify its license to implement the proposed upgrade to specify operation on Channel 265C3.

6. Therefore, inasmuch as each of the the Channel substitutions, requested herein, would allow for improved FM service to each of the respective communities at issue, St. Pe' Broadcasting, Inc. urges the Commission to implement the proposed Channel substitutions at Utica, Hazelhurst and Vicksburg, Mississippi, and the modifications of the authorized facilities of WJXN(FM), WMDC(FM) and WBBV(FM), as requested herein.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202 of its Rules by (a) deleting Channel 265C3 at Hazelhurst, Mississippi, (b) substituting FM Channel 265C3 for 225A at Utica, Mississippi, and modifying the authorized facilities of WJXN(FM), Utica, Mississippi, to specify operation on 265C3, (c) substituting FM Channel 225A for 265A (as licensed) at Hazelhurst, Mississippi, and modifying the authorized facilities of WMDC(FM), Hazelhurst, Mississippi, to specify operation on 225A, and (d) substituting FM Channel 267A for 266A at Vicksburg, Mississippi, and modifying the authorized facilities of WBBV(FM), Vicksburg, Mississippi, to specify operation on 267A.

Respectfully Submitted,

ST. PE' BROADCASTING, INC.

By 

Timothy K. Brady
Its Attorney

P.O. Box 986
Brentwood, TN 37027-0986
(615) 371-9367

December 14, 1992

PROPOSED RULE MAKING
ST. PE' BROADCASTING, INC.
WJXN-FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
December 1992

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Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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PROPOSED RULE MAKING
ST. PE' BROADCASTING, INC.
WJXN-FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
December 1992

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Technical Statement

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This technical exhibit supports the proposed rule making by St. Pe' Broadcasting, Utica, Mississippi. This proposal will substitute Channel 265C3 for Channel 225A at Utica, Mississippi, substitute Channel 225A for 265A at Hazlehurst, Mississippi, and substitute 267A for 266A in Vicksburg, Mississippi.

WJXN will meet all the requirements of §73.207 on Channel 265C3 providing the above changes are implemented. This change will provide Utica with expanded FM service at their present tower location. The usable area map/clearance study for Channel 265C3 at Utica is included herein as Exhibit #1. WJXN will fully serve Utica with city grade service from the allocation coordinates.

Although WJXN proposes an upgrade on a non-adjacent channel this change should be considered a protected proposal since it requires WJXN's present allotment frequency to be used by WMDC, Hazlehurst. There are no other class A channels available for use by WMDC, Hazlehurst.

WMDC in Hazlehurst can change to the new frequency, Channel 225A (92.9 MHz), at their present tower location without loss of service to Hazlehurst. Exhibit #2 illustrates compliance with the applicable spacing rules of §73.207 and visually depicts the usable area for the facility. In addition, this change will allow WMDC to operate as a full 6.0 kw Class A station. 6.0 operation for WMDC on Channel 265A (100.9 MHz) is presently prohibited by the proximity of WBBV in Vicksburg, Mississippi, Channel 266A (101.1 MHz). Although Hazlehurst has been allocated Channel 265C3 from 265A no application has been filed for the upgraded facility. The Hazlehurst licensee has expressed no interest in applying for Channel 265C3 in Hazlehurst and has expressed no objection to the substitution.

WBBV in Vicksburg, Mississippi can change from Channel 266A (101.1 MHz) to the proposed Channel 267A (101.3 MHz) at their present tower location with no loss of service to Vicksburg. Exhibit #3 illustrates compliance with §73.207 and visually depicts the usable area for Channel 267A in Vicksburg. This change will also allow WBBV to operate as a full 6.0 kw Class A station, presently prohibited by WMDC in Hazlehurst.

If assigned, St. Pe' Broadcasting will, in a timely manner, file an application for permission to construct their expanded facility. St. Pe' Broadcasting will endeavor to assist WMDC and WBBV to make the above changes.

	<u>Present</u>	<u>Proposed</u>
Utica, MS	225A	265C3
Hazlehurst, MS	265A (265C3 allocated but not implemented)	225A
Vicksburg, MS	254C1, 266A, 294C	254C1, 267A, 294C

We have tried to be as accurate as possible in the preparation of this report. Should there be any questions concerning the information contained herein, we welcome the opportunity to discuss the matter by phone (912) 638-5608.

BROMO COMMUNICATIONS INC.
St. Simons Island GA

NEW CHANNEL AND CLASS UPGRADE FOR WJXN, UTICA, MISSISSIPPI
AT THE PRESENT WJXN TOWER LOCATION

REFERENCE	CLASS C3	DISPLAY DATES
32 06 09 N		DATA 11-25-92
90 29 56 W	Current rules spacings	SEARCH 12-10-92
----- CHANNEL 265 -100.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD265	265C3	Utica	MS	0.0	0.00	153.0	-153.00
AD	32 06 09	90 29 56	0.000 kW	OM	0.0	95.1	
St. Pe' Broadcasting Company							
> From Channel 225A							
* - WMDCFM 265A Hazlehurst MS 158.6 24.98 142.0 -117.02							
LI CN	31 53 34	90 24 08	3.000 kW	87M	15.5	88.3	
Copiah County Broadcasting Co BLH880803LK							
> To Channel 225A							
* - ALOPEN 265C3 Hazlehurst MS 135.0 42.20 153.0 -110.80							
AL N	31 50 00	90 11 00	0.000 kW	OM	26.2	95.1	
89-411							
> Effective 6-15-90-Rsvd for WMDCFM per D89-411							
> To Channel 225A							
* - WBBV 266A Vicksburg MS 311.9 42.65 89.0 -46.35							
LI CN	32 21 34	90 50 08	1.350 kW	146M	26.5	55.3	
Bishop Broadcasting, Inc. BLH890828KB							
> To Channel 267A							
AD267	267A	Vicksburg	MS	311.9	42.65	42.0	0.65 <
DE	32 21 34	90 50 08	0.000 kW	OM	26.5	26.1	
St. Pe' Broadcasting Company 920924							
> From Channel 266A							
WVYE.C	263A	Port Gibson	MS	247.9	49.14	42.0	7.14
CP CN	31 56 09	90 58 51	3.000 kW	100M	30.5	26.1	
Evan Doss, Jr. Corporation BPH890420MH							
WDMS	264C1	Greenville	MS	341.3	154.52	144.0	10.52
LI HN	33 25 20	91 01 41	52.000 kW	137M	96.0	89.5	
Mid-America Broadcasting Co., BLH860418KB							
WMPR	211C1	Jackson	MS	75.5	39.74	24.0	15.74
LI CN	32 11 33	90 05 28	100.000 kW	137M	24.7	14.9	
J.C. Maxwell Broadcasting Gro BLED840702DW							

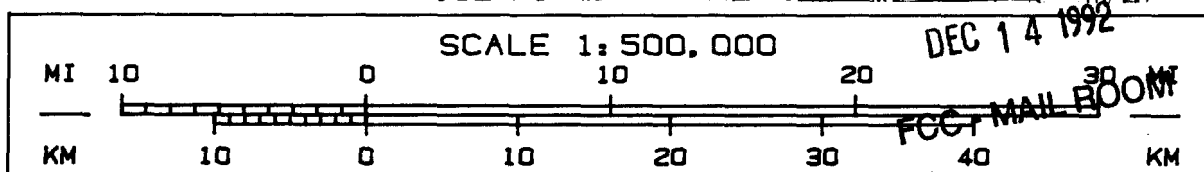
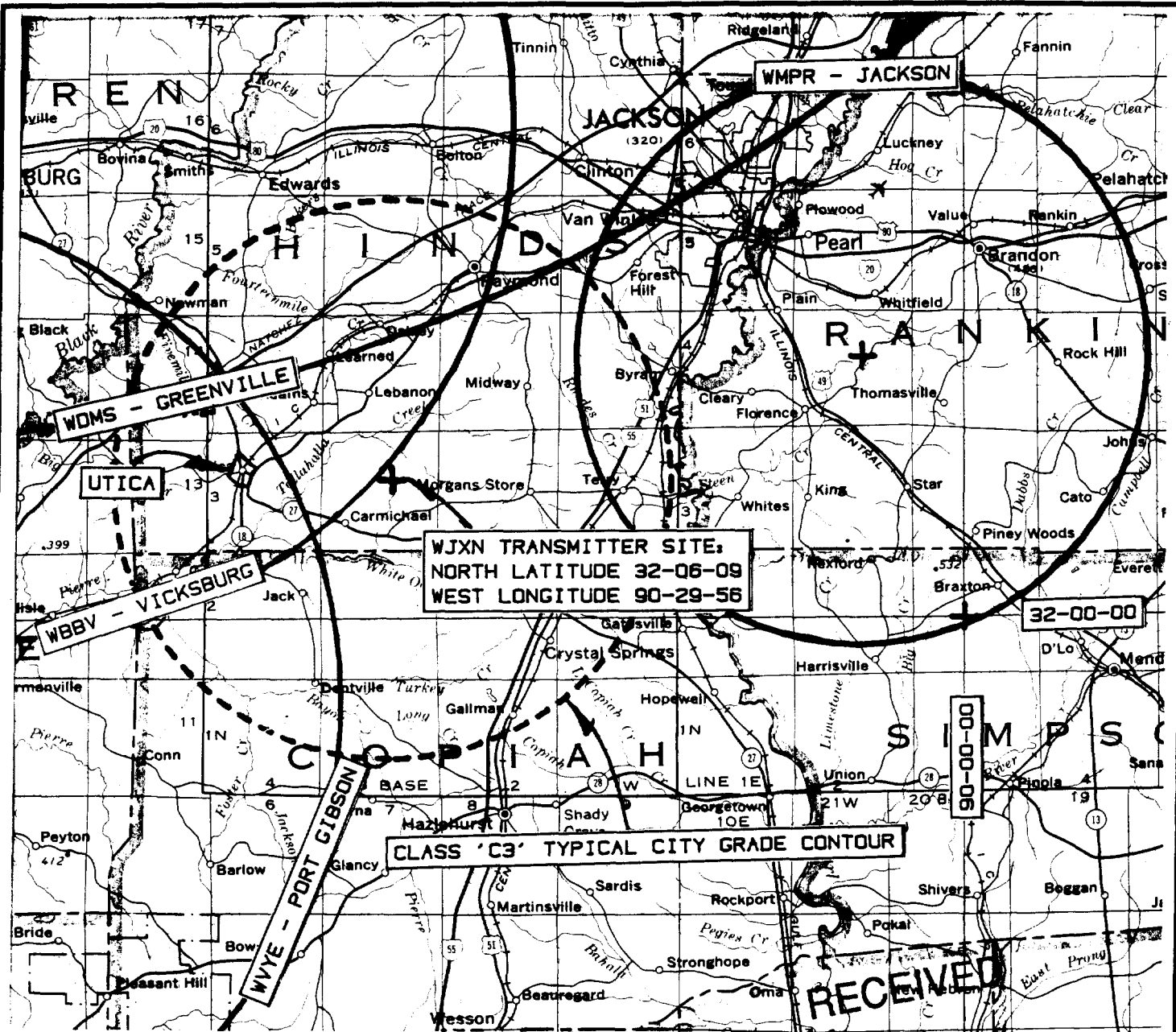
* - Not considered a limitation

EXHIBIT #1A
ST. PE' BROADCASTING, INC.
PROPOSED RULE MAKING
WJXN FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
DECEMBER 1992

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UTICA - 265C3 SITE CLEARANCE

MAP IS A PORTION OF THE USGS 500,000 SCALE TOPOGRAPHIC MAP 'MISSISSIPPI'

USABLE AREA ASSUMES:

- WMDC - HAZLEHURST HAS MOVED TO CHANNEL 225A AS PROPOSED - EXHIBIT #2
- WBBV - VICKSBURG HAS MOVED TO CHANNEL 267A AS PROPOSED - EXHIBIT #3

EXHIBIT #1B
ST. PE' BROADCASTING, INC.
PROPOSED RULE MAKING
WJXN FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
DECEMBER 1992

BROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D.C.

BROMO COMMUNICATIONS INC.
St. Simons Island GA

NEW CHANNEL, UPGRADE TO FULL 6.0 KW CLASS A
FOR WMDC, HAZELHURST AT THE PRESENT TOWER LOCATION

REFERENCE		CLASS A	DISPLAY DATES
31 53 34 N			DATA 11-25-92
90 24 08 W		Current rules spacings	SEARCH 12-10-92
----- CHANNEL 225 - 92.9 MHz -----			

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD225	225A	Hazlehurst	MS	0.0	0.00	115.0	-115.00
AD	31 53 34	90 24 08	0.000 kW	OM	0.0	71.5	
St. Pe' Broadcasting Company							
> From Channel 265A							

* - WJXNFM 225A Utica MS 338.6 24.98 115.0 -90.02
LI CN 32 06 09 90 29 56 2.000 kW 175M 15.5 71.5
St. Pe' Broadcasting, Inc. BLH900919KB
> To Channel 265C3

WBOX 225A Varnado LA 159.0 117.55 115.0 2.55 <
LI CN 30 54 10 89 57 36 3.000 kW 98M 73.1 71.5
Bogue Chitto Communication Co BMLH910618KA

KQID 226C Alexandria LA 260.6 173.09 165.0 8.09
LI CY 31 38 20 92 12 18 100.000 kW 464M 107.6 102.6
Cenla B/Cting Co., Inc. BLH870406KA

WQSTFM 223C Forest MS 60.5 105.98 95.0 10.98
LI CY 32 21 48 89 25 29 100.000 kW 302M 65.9 59.0
Scott County B/Casting Compan BLH871130KA

* - Not considered a limitation

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EXHIBIT #2A
ST. PE' BROADCASTING, INC.
PROPOSED RULE MAKING
WJXN FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
DECEMBER 1992

BROMO COMMUNICATIONS INC.
St. Simons Island GA

NEW CHANNEL, UPGRADE TO FULL 6.0 KW CLASS A
FOR WBBV, VICKSBURG AT THE PRESENT TOWER LOCATION

REFERENCE	CLASS A	DISPLAY DATES
32 21 34 N		DATA 11-25-92
90 50 08 W	Current rules spacings	SEARCH 12-10-92
----- CHANNEL 267 -101.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
* - WBBV	266A	Vicksburg	MS	0.0	0.00	72.0	-72.00
LI CN	32 21 34	90 50 08	1.350 kW	146M	0.0	44.8	
Bishop Broadcasting, Inc.				BLH890828KB			
* - WJDQ.C	267C	Meridian	MS	82.7	184.52	226.0	-41.48
CP CY	32 34 18	88 53 20	100.000 kW	319M	114.7	140.5	
Broadcasters & Publishers, In				BPH890609JF			
>From Channel 267C1							
AD265	265C3	Utica	MS	131.9	42.65	42.0	0.65 <
AD	32 06 09	90 29 56	0.000 kW	OM	26.5	26.1	
St. Pe' Broadcasting Company							
WJDQ	267C1	Meridian	MS	91.5	201.84	200.0	1.84 <
LI CY	32 18 43	88 41 33	100.000 kW	177M	125.4	124.3	
Broadcasters & Publishers, In				BLH6336			
WLIN.C	269C3	Gluckstadt	MS	82.8	59.77	42.0	17.77
CP CN	32 25 36	90 12 19	25.000 kW	100M	37.2	26.1	
Exchequer Communications, Inc				BPH920211IC			
>From Channel 269A Per D90-569							

* - WJDQ, Meridian, Ms Construction permit has expired and is not considered a limitation.
The present WBBV Facility is not considered a limitation.

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EXHIBIT #3A
ST. PE' BROADCASTING, INC.
PROPOSED RULE MAKING
WJXN FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
DECEMBER 1992

WBBV TRANSMITTER SITE:
NORTH LATITUDE 32-21-34
WEST LONGITUDE 90-50-08

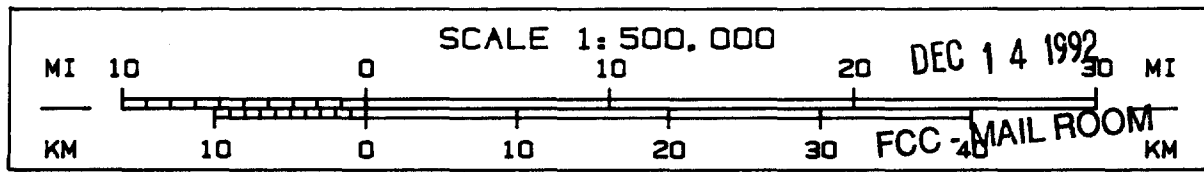
WJXN - UTICA

TYPICAL CLASS 'A' CITY GRADE CONTOUR

32-00-00

91-00-00

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VICKSBURG - 267A CLEARANCE

MAP IS A PORTION OF THE USGS 500,000 SCALE
TOPOGRAPHIC MAP 'MISSISSIPPI'

USABLE AREA ASSUMES:
WZKN - UTICA HAS MOVED TO CHANNEL 265C3
AS PROPOSED - EXHIBIT #1

EXHIBIT #3B
ST. PE' BROADCASTING, INC.
PROPOSED RULE MAKING
WJXN FM RADIO STATION
225A - 265C3
UTICA, MISSISSIPPI
DECEMBER 1992

BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island)
County of Glynn)

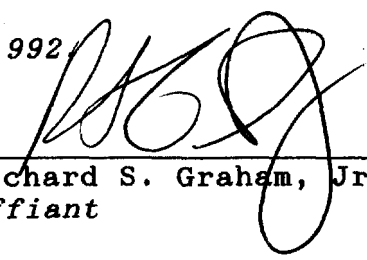
ss:

RICHARD S. GRAHAM, JR. being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by St. Pe' Broadcasting, Inc., licensee of WJXN-FM Radio, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in broadcast engineering since 1972.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 10th day of December, 1992



Richard S. Graham, Jr.
Affiant

Sworn to and subscribed before
me this the 10th day of December, 1992.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995

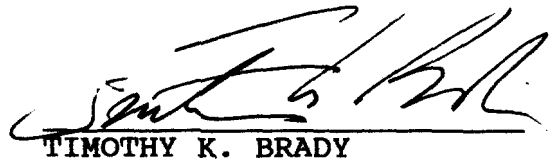
CERTIFICATE OF SERVICE

I, Timothy K. Brady, hereby certify that I have on or before the 14th day of December, 1992, served a copy of the foregoing Petition for Rulemaking by First Class mail, postage prepaid upon the following:

Michael C. Ruger, Chief
Allocations Branch
Policy and Rules Division
2025 M Street, NW, Rm. 8010
Washington, DC 20554

Copiah County Broadcasting Co.
WDMC(FM)
P.O. 680
Hazelhurst, MS 39083

A. Wray Fitch, Esq.
Gammon & Grange
8280 Greensboro Drive
McLean, VA 22102
(Counsel for Bishop Broadcasting, Inc.,
licensee of WBBV(FM), Vicksburg, MS)


TIMOTHY K. BRADY